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HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Comments of the Human Rights Committee

BELARUS

1. The Committee considered the third periodic report of Belarus (CCPR/C/52/Add.8) at its 1151st, 1152nd and 1153rd meetings, held on 14 and 15 July 1992, and adopted* the following comments:

A. Introduction

2. The Committee expresses its appreciation to the State party for its report and for engaging through a high-ranking delegation in a constructive and frank dialogue with the Committee. The wealth of additional information provided in the introductory statement and in the replies given by the delegation of Belarus to the questions raised by the Committee and by individual members has allowed the Committee to have a clearer picture of the overall situation in the country at a turning point in its history as it makes the transition toward multi-party democracy. The report, and the additional information that was subsequently provided, have enabled the Committee to obtain a comprehensive view of the State party's compliance with the obligations undertaken under the International Covenant on Civil and Political Rights and human rights standards set forth therein.

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* At the 1172nd meeting, held on 29 July 1992.

B. Positive aspects

3. The Committee notes with satisfaction that there has been clear progress in securing civil and political rights in Belarus since the consideration of the second periodic report, and especially since the submission of the third periodic report in July 1990. It is particularly noteworthy that the reforms in Belarus are being handled in a manner that allows a propitious social and political environment for the further protection and promotion of human rights.

4. The Committee also notes with satisfaction that recently enacted laws, notably the Law on Citizenship, are of a liberal character, demonstrating the Government's intention to restructure society in accordance with basic democratic principles. Existing laws, for example those relating to national minorities, are also generally being applied in a manner compatible with the Covenant. Additionally, it welcomes the readiness of the Government of Belarus to make use of the experiences of established democracies with respect to the promotion and protection of human rights.

C. Factors and difficulties impeding the implementation of the Covenant

5. The Committee notes that the heritage of the negative aspects of the past could not be rectified overnight and that much remains to be done to make irreversible the process of introducing multi-party democracy and strengthening the rule of law. The Committee also notes that Belarus continues to face various problems during the present period of transition that make the task of implementing civil and political rights particularly difficult. In this connection, it also notes that the Government's efforts in restructuring the existing legal system have at times been hampered by certain lacunae in national legislation as well as by continuing resort to legislation of the former regime.

D. Principal subjects of concern

6. The Committee expresses concern about the fact that certain drafts, pending before the legislature, are not fully in conformity with the provisions of the Covenant, particularly in respect of freedom of movement. Problems in this regard relate in particular to grounds on which passports may be issued, and to clauses dealing with exit visas, particularly in respect of holders of State secrets - which are incompatible with article 12, paragraph 3, of the Covenant. The Committee is also concerned as to the planned retention of the internal residence permit ("propiska") system. The retention of the death penalty for many offences, even though limited in application, is also of concern to the Committee. The retention of the classification of persons belonging to any religion, in particular the Jewish faith, as a distinct nationality is also without justification. In many areas not covered by new legislation, much depends on the good will of the authorities, with the danger still present that the latter would be unduly influenced by certain attitudes inherited from the past.

E. Suggestions and recommendations

7. The Committee considers it to be particularly important that constitutional and legislative reforms should be expedited and that they should be in full conformity with the existing international standards enshrined in the International Covenant on Civil and Political Rights. In drafting new legislation affecting human rights special attention should be paid to the establishment of effective judicial guarantees for the safeguard of civil and political rights. Attention should be paid in all legislation to ensure that any limitations on human rights are in strict conformity with the limitations to those rights permitted in the Covenant. Existing provisions limiting or restricting freedom of movement, including the requirement for exit visas and the clause relating to holders of State secrets, should be eliminated from pending legislation to bring it fully into conformity with article 12, paragraph 3, of the Covenant.